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Patent
244/190

MAY 02 2000

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Jerry Pelletier, et al.

Serial No: 09/407,804

Filed: September 28, 1999

For: DNA SEQUENCES FROM
STAPHYLOCOCCUS AUREUS
BACTERIOPHAGE 77 THAT ENCODE ANTI-
MICROBIAL POLYPEPTIDES



Group Art Unit: 1651

Examiner: Not assigned

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STATEMENT UNDER 37 C.F.R. § 1.821 (F)

Assistant Commissioner of Patents
Washington, D.C. 20231

Sir:


I hereby state that the content of the paper and computer readable copies of the Sequence Listing, submitted in accordance with 37 C.F.R. § 1.821 (e), (f) and (g), or § 1.825 (d) and (b) respectively, are the same.

Respectfully submitted,

LYON & LYON LLP

Dated: April 19, 2000

By:


Wesley B. Ames
Reg. No. 40,893

Brobeck, Phleger & Harrison LLP
12390 El Camino Real
San Diego, California 92130-2081
Telephone: (858) 720-2500
Facsimile: (858) 720-2555

CERTIFICATE OF MAILING
(37 C.F.R. §1.8a)

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as First Class Mail in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

April 19, 2000
Date of Deposit

Ruth Saskowski
Name of Person Mailing Paper


Signature of Person Mailing Paper



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POLYPEPTIDES**

Group Art Unit: **1651**

Examiner: **Not assigned**

SUBMISSION OF SEQUENCE LISTING

Responsive to the Communication mailed October 19, 1999, Applicants submit herewith the "Sequence Listing" in paper copy and in computer readable form as required under § 1.824 (a).

The Sequence Listing is provided in ASCII text on the accompanying diskette and the Statement Under 37 C.F. R. § 1.821 (f) is also provided. A copy of the Notice to Comply is attached to this Response.


Please amend the specification by entering the enclosed Sequence Listing. The Sequence

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(37 C.F.R. §1.8a)

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Name of Person Mailing Paper


Signature of Person Mailing Paper

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Listing was generated from the specification, Figures 1A and 1B and does not constitute new matter.

Pursuant to 37 CFR § 1.136 (a), applicants submit herewith petition for a four month extension of time. This extension of time is effective to allow timely filing of this response up to and including April 19, 2000.

Also enclosed is a check for the total amount of \$680.00 as required by 37 CFR § 1.17 (a) for the petition fee. If the enclosed fee is incorrect, please charge or credit our Deposit Account No. 50-1273 for the appropriate amount.

Respectfully submitted,

Brobeck, Phleger & Harrison LLP

Dated: 19 April 2000

By Wesley B. Ames
Wesley B. Ames
Reg. No. 40,893

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UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARK
Washington, D.C. 20231

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO./TITLE
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097407,804 09/28/99 PELLETIER

J 241/190

LYON AND LYON LLP
633 WEST FIFTH STREET SUITE 4700
LOS ANGELES CA 90071-2066

0262/1019



NOT ASSIGNED

1651

DATE MAILED:

10/19/99

**NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS
CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES**

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 CFR 1.821 - 1.825 for the following reason(s):

- ☒ 1. This application fails to comply with the requirements of 37 CFR 1.821 - 1.825.
- ☒ 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 CFR 1.821(c).
- ☐ 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e).
- ☐ 4. A copy of the "Sequence Listing" in computer readable form has been submitted. The content of the computer readable form, however, does not comply with the requirements of 37 CFR 1.822 and/or 1.832, as indicated on the attached marked-up copy of the "Raw Sequence Listing."
- ☐ 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A substitute computer readable form must be submitted as required by 37 CFR 1.825(d).
- ☐ 6. The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 CFR 1.821(e).
- ☐ 7. OTHER: _____

APPLICANT MUST PROVIDE:

- ☒ An initial or substitute computer readable form (CRF) copy of the "Sequence Listing."
- ☒ An initial or substitute paper copy of the "Sequence Listing," as well as an amendment directing its entry into the specification.
- ☒ A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b) or 1.825(d).

FOR QUESTIONS REGARDING COMPLIANCE WITH THESE REQUIREMENTS, PLEASE CONTACT:

- ☐ For Rules Interpretation, call (703) 308-1123.
- ☐ For CRF submission help, call (703) 308-4212.
- ☐ For PatentIn software help, call (703) 308-6856.


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